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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,285	03/12/2004	David W. Farchmin	11003.00026.03AB047	1291
7590 Susan M. Donahue Rockwell Automation Inc. 704-P 1201 South Second Street Milwaukee, WI 53204-2496			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2445	PAPER NUMBER
			MAIL DATE 06/22/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,285

Applicant(s)

FARCHMIN ET AL.

Examiner

WILLIAM J. GOODCHILD

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date 03/09/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on March 09, 2009 was filed after the mailing date of the Non-Final Rejection on 11/07/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The document (WO 02/30053) does not match the document number within the IDS, the publication date and Inventor name seem to match (IDS, Foreign Patent Documents, item 1, refers to 0130053), so it would seem that the number entered on the IDS form was a typo and was corrected by the Examiner. If the correction is not correct, please identify in the response to this Office Action.

Specification

2. The disclosure is objected to because of the following informalities: Figure 8, refers to item 270, the specification, page 29, paragraph 119, referees to an item 720 which is not on the drawing, and the specification does not refer to item 270.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 54-61, 63 and 65-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolin, Jr., (US Patent No. 5,519,878), and further in view of Richardson et al., (US Patent No. 5,644,494), (hereinafter Richardson).

Regarding claims 65, 54 and 63, Dolin discloses providing a rule set including rules that indicate probable relative resource positions [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

correlating logical network addresses with environment locations [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

specifying first and second network addresses for a first and a second resources, respectively [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

specifying that the first resource communicates with the second resource [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

identifying the network addresses of the first and second resources [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

using the network addresses of the first and second resources to determine the relative positions of the first and second resources [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Dolin does not specifically disclose determining if the first and second resource relative positions are consistent with the rule set; and
where the relative positions of the first and second resources are inconsistent with the rule set, performing a secondary function.

However, Richardson discloses a printing system including a medium transporter for transporting print media [Richardson, column 2, lines 33-36]. The elevator system vertically moves the print medium to present a print medium from the group to the medium transporter [Richardson, column 2, lines 36-39, position of units is determined and if not set to correct position, unit is moved to align]. The operation of the system requires that the relative position of the print medium be modified by the elevator system to align with the medium transporter [Richardson, column 2, lines 33-58 (secondary function, align the units)].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include aligning devices in order to allow the automated system to complete requested work.

Regarding claim 55, Dolin-Richardson further discloses the step of providing a rule set including rules that indicate probable relative resource juxtapositions wherein the step of determining includes determining if the relative juxtapositions of the first and second resources are consistent with the rule set [Richardson, column 15, lines 23-57].

Regarding claim 56, Dolin-Richardson further discloses wherein the rule set indicates a maximum distance between the second resource and a reference point within the space such that, when the distance between the reference point and the second resource is greater than the maximum distance, the relative juxtapositions of the first and second resources are inconsistent with the rule set [Richardson, column 15, lines 23-57].

Regarding claim 57, Dolin-Richardson further discloses wherein the reference point is the location of the first resource [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 58, Dolin-Richardson further discloses wherein the secondary function [Richardson, column 15, lines 23-57, must be lined up] is to indicate that the specified communication is improbable [Dolin, column 8, lines 57-62].

Regarding claim 59, Dolin-Richardson further discloses wherein the method is performed in real time [Richardson, column 15, lines 23-57] as a resource is added to a sub-set of resources to perform the process [Dolin, column 4, lines 22-41 and column 7,

lines 32-65].

Regarding claim 60, Dolin-Richardson further discloses wherein the method is performed in batch after a sub-set of resources has been configured to perform the process [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 61, Dolin-Richardson further discloses the steps of correlating logical network addresses with space locations and wherein the step of identifying the relative positions of the first and second resources includes specifying a network address for each of the first and second resources, determining the locations of the first and second resources from the correlated information and using the first and second resource locations to determine relative positions of the first and second resources [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 66, Dolin-Richardson further discloses wherein the rule set indicates a maximum distance between the first and second resources such that, when the distance between the first and second resources is greater than the maximum distance, the relative positions of the first and second resources are inconsistent with the rule set [Richardson, column 15, lines 23-57, must be lined up].

Regarding claim 67, Dolin-Richardson further discloses wherein the step of performing

a secondary function [Richardson, column 15, lines 23-57, must be lined up] includes indicating an improbable resource configuration [Dolin, column 8, lines 57-62].

Regarding claim 68, Dolin-Richardson further discloses associating a space within the environment with the process [Dolin, column 4, lines 21-41];
providing at least a first information device [Dolin, column 4, lines 21-41] that includes a processor [Richardson, figure 22 and column 28, lines 34-40];
determining the location of the information device within the environment [Dolin, column 4, lines 21-41]; and
when the information device is proximate at least a sub-space within the space, using the processor to automatically perform [Richardson, figure 22 and column 28, lines 34-40] the steps of:
identifying the resources to be positioned within the sub-space [Dolin, column 4, lines 21-41];
identifying the tags associated with the resources [Dolin, column 4, lines 21-41]; and
indicating the tags associated with the resources [Dolin, column 4, lines 21-41].

Regarding claim 69, Dolin-Richardson further discloses identifying the resource to the network and indicating one of the tags via the information device that is to be associated with the resource and, wherein, the method further includes the step of associating the identified resource with the indicated tag [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 70, Dolin-Richardson further discloses wherein the step of identifying the resource includes linking the resource to the network [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 71, Dolin-Richardson further discloses wherein the information device includes a display and wherein the step of identifying the tags includes providing a list of the tags and the step of indicating one of the tags includes selecting one of the tags from the list [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 72, Dolin-Richardson further discloses wherein each of the resources is associated with a network address and wherein the processor associates by determining the resource address and correlating the resource address with the tag [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 73, Dolin-Richardson further discloses wherein the processor performs the steps for each resource to be located within the sub-space [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

5. Claims 62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolin-Richardson as applied to claim 55 above, and further in view of Metcalf, (US Publication No. 2002/0131446).

Regarding claims 62 and 64, Dolin-Richardson does not specifically disclose wherein the resources include components in an automated manufacturing facility.

However, Metcalf discloses programmable logic controllers in a manufacturing facility [Metcalf, paragraphs 2, 4 and 22].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include PLCs in a manufacturing facility in order to provide automation.

Response to Arguments

6. Applicant's arguments, see response, filed March 09, 2009, with respect to the rejection(s) of claim(s) 54-67 under Dolin-Zagnoni have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dolin-Richardson.

Conclusion

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
06/09/2009

/VIVEK SRIVASTAVA/
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